

1 **Amend § 895.1 Definitions**

2 **Winter Period** means the period between November 15 to April 1, except  
3 as noted under special County Rules at CCR, Article 13 § 925.1, 926.18,  
4 927.1, ~~and~~ 965.1, and 946.1.

5  
6 **Adopt § 946. Napa County Rules.**

7 In addition to forest practice rules applying in the Coast Forest  
8 District and Northern Subdistrict of the Coast Forest District, rules  
9 contained in 946.1 through 946.3327 shall apply within the boundaries of Napa  
10 County. Where the general rules conflict with Napa County rules, the Napa  
11 County rules shall apply.

12 NOTE: Authority cited: Section 4516.5, 4551 and 4551.5, Public Resources  
13 Code. Reference: Section 4516.5, Public Resources Code.

14  
15 **Adopt § 946.1. Definitions.**

16 In addition to the definitions contained within 14 CCR § 895.1, the  
17 following definitions apply:

18 "Designated Scenic Road (DSR)" means any of the following roads: a scenic  
19 highway as identified in Figures 75 and 76 of the Scenic Highways Element  
20 (Chapter 7) of the Napa County General Plan, as amended thru January 23, 1996  
21 and (i.e., State Highway 29 north of 121, State Highway 29/128, State Highway  
22 121, State Highway 128, Bale Lane., Berryessa-Knoxville Road, Butts Canyon  
23 Road, Chiles-Pope Valley Road, Deer Park Road, Dry Creek Road, Howell  
24 Mountain Road, Lodi Lane, Lower Chiles Valley Road, Oak Knoll Avenue,  
25 Oakville Cross Road, Oakville Grade, Petrified Forest Road, Pope Canyon Road,

1 Pope Valley Road, Silverado Trail, Wooden Valley Road, Yountville Cross Road,  
2 and Zinfandel Lane).

3 "Domestic Water Supply Reservoir (DWSR)" is a water impoundment located in a  
4 Domestic Water Supply Watershed (DWSW) that provides a supply of domestic  
5 water to the public. means any of the following reservoirs: Kimball  
6 Reservoir, Rector Reservoir, Milliken Reservoir, Bell Canyon Reservoir, Lake  
7 Hennessey, Lake Curry, Lake Madigan, Lake Henne, Lake Orville, Lake  
8 Whitehead, Lake Newton, Granite Lake, Doe Lake, Fawn Lake, Deer Lake,  
9 Cooksley Lake, and Red Lake.

10 "Napa County Drainage (NCD)" means any of those drainages depicted on the  
11 Napa County Drainages Map maintained by the Planning Director, and hereafter  
12 modified from time to time as necessary, by the Planning Department. dated  
13 August 6, 2003 and incorporated by reference herein.

14 "Planning Department" means the Napa County Conservation Development &  
15 Planning Department.

16 "Planning Director" means the Director of the Napa County Conservation  
17 Development & Planning Department.

18 "Domestic Water Supply Watercourse" means those Class I, II, or III  
19 watercourses that flow either directly or indirectly into a Domestic Water  
20 Supply Reservoir (DWSR).

21 "Domestic Water Supply Watershed (DWSW)" means any of the following  
22 watersheds as depicted on the Domestic Water Supply Drainages ~~m~~Map(s)  
23 maintained and hereafter modified from time to time as necessary by the  
24 Planning Director, dated September 5, 2003 and incorporated by reference  
25 herein: Kimball Reservoir Watershed, Rector Reservoir Watershed, Milliken

1 Reservoir Watershed, Bell Canyon Reservoir Watershed, Lake Hennessey  
2 Watershed, Lake Curry Watershed, Lake Madigan Watershed.

3 ~~"Sensitive Habitat" means a marsh, a vernal pool, a wet meadow and other wet~~  
4 ~~areas, or a wetland of any other type.~~

5 "Winter Period" means the period between October 15th and April 1st except in  
6 Domestic Water Supply Watershed (DWSW). In DWSWs, the winter period begins  
7 on September 1<sup>st</sup> and ends on April 1<sup>st</sup>.

8 "Water Purveyor" means the owner/operator(s) of a public-serving water supply  
9 system(s) located in a Domestic Water Supply Drainage.

10 NOTE: Authority cited: Sections 4551, 4551.5 and 21082, Public Resources  
11 Code. Reference: Sections 4511, 4512, 4513, 4521.3, 4522, 4522.5, 4523-4525,  
12 4525.3, 4525.5, 4525.7, 4526, 4526.5, 4527, 4527.5, 4528, 4551, 4551.5, 4552,  
13 4582 and 21080.5, Public Resources Code.

14 **Adopt § 946.2. Assessment Areas.**

15 When a THP has been filed with intent to convert the Plan area to uses  
16 other than timberland, and any portion of timber operations are located  
17 within a Domestic Water Supply Watershed (DWSW), or visible within 2000 feet  
18 (in its post harvest condition) of a Designated Scenic Road (DSR), the  
19 following assessment areas are to be used, unless determined to be  
20 inappropriate by the RPF, in which case the RPF shall describe and justify,  
21 and the Director may approve, the following alternative assessment areas:

22 (a) Watershed: The Napa County Drainage containing the proposed  
23 project and any other Napa County Drainages that comprise the remainder of  
24 the DWSW in which the project is sited.

25 (b) Soil Productivity: The Napa County Drainage containing the proposed

1 project.

2 ~~(c) Biological: Minimum area is the DWSW. Assessment areas larger than~~  
3 ~~this minimum are to be determined on the basis of:~~

4 ~~(1) the species present;~~

5 ~~(2) their identified ranges;~~

6 ~~(3) for mobile species, their recognized movement patterns;~~

7 ~~(4) established protocols and/or regulations.~~

8 ~~In no case shall the assessment area selected be larger than Napa~~  
9 ~~County.~~

10 ~~(d) Recreation: Area within one mile of geographic center of proposed~~  
11 ~~project.~~

12 ~~(ec) Visual Resources: The visual assessment area is the area from~~  
13 ~~which the logging area is readily visible to significant numbers of~~  
14 ~~people.viewshed area defined by public roads carrying significant numbers of~~  
15 ~~members of the public and any Designated Scenic Roads.~~

16 ~~(fd) Traffic: All private and public roads within Napa County on which~~  
17 ~~logging traffic will travel that will carry project traffic to the point~~  
18 ~~where project related traffic has been significantly diluted with a paved~~  
19 ~~surface less than 20 feet in width.~~

20 ~~(g) Noise: Area within 6/10 of a mile of the boundary of the proposed~~  
21 ~~project.~~

22 ~~(h) Public Health/Safety: At a minimum, the Napa County Drainage~~  
23 ~~containing the proposed project; at a maximum, area to include all sites at~~  
24 ~~which project related impacts will occur.~~

25 NOTE: Authority cited: Sections 4551 and 21080.5, Public Resources Code.

1 Reference: Sections 4512, 4513, 4551.5, 4582.6, 21000(g), 21002 and 21080.5,  
2 Public Resources Code; *Natural Resources Defense Council, Inc. v. Arcata Nat.*  
3 *Corp.* (1976) 59 Cal.App.3d 959; 131 Cal.Rptr. 172; and *Laupheimer v. State*  
4 (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82.

5  
6 **Adopt § 946.3. Special Harvesting Practices.**

7 In addition to the provisions of 14 CCR §§ 913.1 and 933.1, use of the  
8 clearcutting regeneration method or alternate prescriptions having the same  
9 aesthetic results as the clearcutting regeneration method is prohibited within  
10 200 feet of the high-water mark of a DWSR or within 200 feet of a Designated  
11 Scenic Road.~~the following conditions will apply:~~

12 ~~(a)The use of the clear cut silvicultural prescription is prohibited~~  
13 ~~within 200 feet of the high water mark of a DWSR or within 200 feet of a~~  
14 ~~Designated Scenic Road.~~

15 ~~(b)The use of alternative prescriptions having the same aesthetic results~~  
16 ~~as the clearcut silvicultural prescription within these proximity zones are~~  
17 ~~prohibited.~~

18 NOTE: Authority cited: Sections 4551 and 4561, Public Resources Code.

19 Reference: Sections 4561 and 4582(h), Public Resources Code.

20  
21 **Adopt § 946.4. Retention Standards and Re-Entry Periods.**

22 In a DWSW, the provisions of 14 CCR § 913.8 subsection (a) apply. In  
23 addition, where timber operations are proposed in a DWSW, the harvesting  
24 limitation, re-entry period, and leave tree standards shall be as follows:

1 (a) For areas where the proposed harvest rate is 51-60% of the trees  
2 greater than 45.7 cm (18 in.) DBH, the minimum re-entry period shall be 14  
3 years.

4 (b) For areas where the proposed harvest rate is 50% or less of the  
5 trees greater than 45.7 cm (18 in.) DBH, the minimum re-entry period shall be  
6 10 years.

7 (c) No more than 40% of the trees greater than 35.6 cm. (14 in.) and  
8 less than 45.7 cm (18 in.) DBH shall be harvested.

9 NOTE: Authority cited: Section 4516.5, Public Resources Code. Reference:  
10 Section 4516.5, Public Resources Code.

11  
12 **Adopt § 946.54. Log Hauling.**

13 When a THP has been filed with intent to convert the Plan area to uses  
14 other than timberland, the following conditions shall ~~regarding log hauling~~  
15 will apply:

16 (a) Log hauling on public roads or private roads may be restricted or  
17 not permitted by the Director during commute hours or during school busing  
18 hours when necessary to prevent a serious hazard to traffic flow and safety  
19 or to prevent hazardous conditions that would endanger public safety.

20 (b) During log hauling on public roads or on private roads, the timber  
21 operator may be required by the Director to post special traffic signs and/or  
22 flagpersons where determined to be necessary to prevent a hazard to traffic.

23 NOTE: Authority cited: Sections 4551, 4551.5 and 4553 Public Resources  
24 Code. Reference: 33 U.S.C.A. Section 1288; Sections 4512, 4513, 4514.3, 4527,  
25 4562.7 and 4582, Public Resources Code.

1 **Adopt § 946.65. Flagging.**

2 ~~In addition to flagging requirements in Article 12, Subsection 4,5 & 6~~  
3 ~~of Title 14 CCR, the Director, w~~When a THP has been filed with intent to  
4 ~~convert the Plan area to uses other than timberland,here necessary to protect~~  
5 ~~adjoining properties, may require flagging of the approximate boundary of the~~  
6 ~~p~~Plan area will be required, prior to the pre-harvest inspection in those  
7 locations, on the site where any logging road, tractor road or harvest area  
8 is proposed within 100 feet of the timberland owner(s) property line.

9 NOTE: Authority cited: Sections 4551, 4551.5 and 4553 Public Resources  
10 Code. Reference: 33 U.S.C.A. Section 1288; Sections 4512, 4513, 4514.3, 4527,  
11 4562.7 and 4582, Public Resources Code.

12  
13 **Adopt § 946.76. Soil: Timber Operation and Road Construction Debris**  
14 **Deposition.**

15 ~~The process of constructing or reconstructing logging roads, tractor~~  
16 ~~roads, and landings shall not cause soil or debris to be deposited on~~  
17 ~~property owned by others, except with the consent of the other property~~  
18 ~~owner.~~ When a THP has been filed with intent to convert the Plan area to uses  
19 other than timberland, If and construction wastes or road spoils are to be  
20 deposited outside the boundaries of the Plan area, the applicant shall  
21 provide a map and description showing the location of the proposed deposition  
22 site.

23 NOTE: Authority cited: Sections 4551, 4551.5 and 4553 Public Resources  
24 Code. Reference: 33 U.S.C.A. Section 1288; Sections 4512, 4513, 4514.3, 4527,  
25 4562.7 and 4582, Public Resources Code.

1 **Adopt § 946.87. Performance Bonding.**

2 When a THP has been filed with intent to convert the Plan area to uses  
3 other than timberland, and hauling of logs or transport of heavy equipment  
4 is proposed pursuant to a Plan, the LTO shall provide for the repair of any  
5 damage to a county roads, or appurtenant structures, including, but not  
6 limited to, guard rails, signs, traffic signals, culverts, curbs and similar  
7 facilities that ~~is~~ are willfully or negligently caused by the LTO's ~~log~~  
8 hauling operations<sup>7</sup>, and shall provide for the repair of any damage caused by  
9 the LTO's log hauling operations to appurtenant structures, including, but  
10 not limited to, guard rails, signs, traffic signals, culverts, curbs and  
11 similar facilities. If necessary to ensure compliance with this section,  
12 Napa County may request the posting of a financial security. The Department,  
13 upon such request, shall require the timber operator or responsible party to  
14 post adequate financial security to restore paved or unpaved county roads and  
15 appurtenant structures that are damaged by log hauling operations. The  
16 request for posting of financial security shall be made to the Department  
17 during the THP review procedure and no later than five days before the  
18 Director's decision date. The timber operator or responsible party shall  
19 post a certificate of deposit, certificate of insurance, performance bond, or  
20 other financial security in favor of the Department in a reasonable amount  
21 set by the Director, not to exceed \$5,000 per mile of county road used or  
22 \$50,000, whichever is less and subject to provisions of Div. 3, Part I,  
23 Chapter 1, Article 8, Sec. 11110 through 11113 of the Gov. Code. Such cash  
24 deposit or other acceptable financial security shall cover a period not to  
25 exceed the effective period of the plan through the issuance of a report of

1 satisfactory completion of the work by the Director (PRC 4586).

2 When a form of financial security is required, logging trucks shall not use  
3 the county roads until the required security is posted with the Department.

4 The Director shall with concurrence of the Planning Director release the bond  
5 or equivalent to the principal of the security upon completion of log hauling  
6 operations and compliance with the requirements of this section. If and when  
7 repairs are necessary, the Director shall request the operator to provide for  
8 making the repairs. If the repairs are not made the Department ~~may~~ shall  
9 take corrective action and may order the bond, or equivalent, forfeited in an  
10 amount not to exceed actual damage.

11 When a bond or equivalent has been posted, the Department shall provide  
12 the Planning Director with a copy of the Timber Harvest Completion Report.

13 The Planning Director shall advise the Department in writing within 30 days  
14 of receipt of notification of completion of hauling operations or the Timber  
15 Harvest Completion Report if damage has occurred and repairs need to be made.

16 If the county fails to notify the Director within 30 days, the bond or surety  
17 shall be released.

18 NOTE: Authority cited: Sections 4551, 4551.5 and 4553 Public Resources  
19 Code. Reference: 33 U.S.C.A. Section 1288; Sections 4512, 4513, 4514.3, 4527,  
20 4562.7 and 4582, Public Resources Code.

21  
22 **Adopt § CCR 946.98. Hours of Operation.**

23 ~~Within 500 feet (line of sight) or 200 feet (terrain shielded exposure)~~  
24 ~~of any occupied dwelling on the lands of others, the operation of power~~  
25 ~~equipment, except licensed highway vehicles, shall be restricted to the hours~~

1 ~~between 7:00 a.m. and 7:00 p.m., and shall be prohibited on Saturdays,~~  
2 ~~Sundays, and state and nationally designated legal holidays. These same~~  
3 ~~restrictions shall apply when such a dwelling lies within 1,300 feet (line-~~  
4 ~~of sight) or 600 feet (terrain shielded exposure) of a landing used~~  
5 ~~continuously for more than a week. The Director may grant an exception to~~  
6 ~~this rule if the Director finds that no disturbance will result to the~~  
7 ~~occupants of the dwelling from the use of such equipment. When a THP has been~~  
8 ~~filed with intent to convert the Plan area to uses other than timberland, the~~  
9 ~~operation of power equipment, except licensed highway vehicles, shall be~~  
10 ~~restricted to the hours between 7:00 a.m. and 7:00 p.m., and shall be~~  
11 ~~prohibited on Saturdays, Sundays, and state and nationally designated legal~~  
12 ~~holidays within 500 feet (line-of-sight) or 200 feet (terrain-shielded~~  
13 ~~exposure) of any occupied dwelling on the lands of others. The Director may~~  
14 ~~grant an exception to this rule if a determination can be made that no~~  
15 ~~disturbance will result to the occupants of the dwelling from the use of such~~  
16 ~~equipment based upon the occupant(s) agreement to a written request submitted~~  
17 ~~by the RPF to the Director before plan approval.~~

18 NOTE: Authority cited: Sections 4551, 4551.5 and 4553 Public Resources  
19 Code. Reference: 33 U.S.C.A. Section 1288; Sections 4512, 4513, 4514.3, 4527,  
20 4562.7 and 4582, Public Resources Code.

21  
22 **Adopt § 946.10. Tractor Yarding.**

23 ~~When timber operations are located in a DWSW, the tractor roads to be~~  
24 ~~used on slopes of 30% or more shall be intervisibly flagged, or otherwise~~  
25 ~~designated by the RPF or supervised designee on the ground prior to the~~

1 Preharvest Inspection and prior to tractor road construction.

2 NOTE: Authority cited: Sections 4551, 4551.5 and 4553, Public Resources  
3 Code. Reference: Sections 4512, 4513, 4562.5, 4562.7 and 4582, Public  
4 Resources Code.

5  
6 **Adopt § 946.119. Watercourse Mapping.**

7 In addition to the watercourse mapping requirements provided in 14 CCR  
8 §§ 916.4 (a) and 936.4 (a), when a THP has been filed with intent to convert  
9 the Plan area to uses other than timberland, and ~~for~~ operations are located  
10 within a DSW, the RPF shall conduct this examination in the expanded DSW  
11 assessment area, labeling all watercourses with their class identification  
12 based on information provided by Napa County. The field examination required  
13 under 14 CCR § 916.4(a) and 936.4(a) may be limited to the timberland owner's  
14 property within the DSW.

15 NOTE: Authority cited: Sections 4551, 4553, 4562.7 and 21000(g), Public  
16 Resources Code. Reference: Sections 4512, 4513, 4551.5 and 21001(f), Public  
17 Resources Code; Sections 1600 and 5650(c), Fish and Game Code; Sections 100,  
18 13000 and 13050(f), Water Code; and 33 USC Section 1288(b)(2)(F).

19  
20 **Adopt § 946.1210. Domestic Water Supply Protection: Equipment Limitation**  
21 **Zones.**

22 In addition to the provisions of 14 CCR §§ 916.4(c)(1) and 936.4(c)(1),  
23 the following watercourse protections shall apply when a THP has been filed  
24 with intent to convert the Plan area to uses other than timberland: Where  
25 timber operations occur in a DSW, the RPF shall designate in the Plan an

1 equipment limitation zone (ELZ) of at least 25 feet in width on both sides of  
2 any Class III watercourse(s) where side slope steepness is less than 30% and  
3 at least 50 feet where side slope steepness is 30% or greater ~~than 30%~~. In  
4 any established ELZ described in this rule, entry by heavy equipment will be  
5 restricted to watercourse crossing identified and flagged by the RPF or  
6 supervised designee. In addition, at least 50% of the RPF estimated  
7 preharvest canopy cover and 50% of the preharvest total cover of shrubs shall  
8 be retained and evenly distributed throughout the ELZ. ~~Where appropriate to~~  
9 ~~protect the beneficial uses of water, the RPF shall describe additional~~  
10 ~~protection measures, which may include surface cover retention, vegetation~~  
11 ~~protection, and timber falling limitations. When necessary to protect the~~  
12 ~~beneficial use of water, the RPF shall designate and the Director may require~~  
13 ~~a WLPZ for Class III and Class IV waters or an ELZ for Class IV waters. Soil~~  
14 ~~and debris deposited during timber operations in a Class III watercourse~~  
15 ~~shall be removed and debris deposited during timber operations shall be~~  
16 ~~removed or stabilized before the conclusion of timber operations, or before~~  
17 ~~the DWSW Wwinter Pperiod, whichever occurs first.~~

18 NOTE: Authority cited: Sections 4551, 4553, 4562.7 and 21000(g), Public  
19 Resources Code. Reference: Sections 4512, 4513, 4551.5 and 21001(f), Public  
20 Resources Code; Sections 1600 and 5650(c), Fish and Game Code; Sections 100,  
21 13000 and 13050(f), Water Code; and 33 USC Section 1288(b)(2)(F).

22  
23 **Adopt § 946.1311. Reduction of Soil Loss.**

24 When a THP has been filed with intent to convert the Plan area to uses  
25 other than timberland ~~Where a Timberland Conversion Application has been~~

1 ~~submitted~~, the provisions of 14 CCR §§ 916.7 and 936.7 shall not apply. In  
2 lieu of those sections, the following shall apply: ~~Instead,~~

3 (a) areas that drain toward, and areas within 150 feet of any Domestic  
4 Water Supply Watercourse, where mineral soil exceeding 100 continuous square  
5 feet in size has been exposed by timber operations shall be treated for  
6 reduction of soil loss. Treatment shall be done prior to the start of the  
7 DWSW Winter Period, except that ~~any~~ such bare areas created after ~~these dates~~  
8 start of the DWSW Winter Period shall be so treated within 10 days or prior  
9 to sunset if the National ~~the end of the day if the U.S~~ Weather Service  
10 forecast is a "chance" (30% or more) of rain within the next 24 hours ~~before~~  
11 ~~the next day~~, whichever is earlier ~~occurs first~~. Stabilization measures shall  
12 be included and explained in the Plan. Stabilization measures shall be  
13 selected that will prevent the significant movement of soil into Class I, II,  
14 III, or IV waters and may include, but need not be limited to, mulching, rip-  
15 rapping or grass seeding. This section does not apply to the traveled surface  
16 of roads.

17 ~~(a) This section does not apply to the traveled surface of roads.~~

18 (b) Where mineral soil has been exposed by timber operations on  
19 approaches to watercourse crossings of Class I or II waters, Class III waters  
20 if an EEZ or WLPZ is required, or any Domestic Water Supply Watercourse, the  
21 disturbed area shall be stabilized to the extent necessary to prevent the  
22 discharge of soil into the watercourse or lake in amounts deleterious to the  
23 quality and beneficial uses of water.

24 (c) Where necessary to protect the beneficial uses of water from timber  
25 operations, protection measures, such as seeding, mulching, or replanting,

1 shall be specified to retain and improve the natural ability of the ground  
2 cover within the standard width of the WLPZ to filter sediment, minimize soil  
3 erosion, and stabilize banks of watercourses and lakes.

4 NOTE: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources  
5 Code. References: Sections 4512, 4513, 4551.5, 4562.5 and 4562.7, Public  
6 Resources Code; 40 CFR 35.1505; and 33 USC Section 1288(b)(2)(F).

7  
8 **Adopt § 946.1412. Domestic Water Supply Protection.**

9 (a)When a THP has been filed with intent to convert the Plan area to  
10 uses other than timberland, and the proposed timber operations, or any  
11 related conversion activities, may threaten to degrade the functioning of a  
12 domestic water supply (14 CCR §§ 916.10, 926.10, 1032.10) or the functioning  
13 of a DWSR, the Director shall evaluate any mitigations recommended prior to  
14 the close of the public comment period (PRC 4582.7) and shall require the  
15 adoption of those practices which are feasible and necessary to protect the  
16 quality and beneficial use of the supply. In this context, "degrade the  
17 functioning" may include but is not limited to:

18 (1) the need for significant additional filtration, over and  
19 above normal seasonal variation, resulting from increased suspended sediment  
20 or,

21 (2) the need for significant changes in management of reservoir  
22 levels in response to altered hydrographic patterns or,

23 (3) the need for increased dredging and/or sediment removal from  
24 the reservoir to maintain its capacity or,

25 (4) the need for significant changes in water treatment in

1 response to chemical pollutants or increased nutrient loading.

2 (b) The Director may require a post-harvest evaluation of the  
3 effectiveness of the mitigations and practices designed to protect the  
4 domestic water supply as a condition of plan approval. The Director shall  
5 require an evaluation at the request of the San Francisco Bay Regional Water  
6 Quality Control Board, or any affected water purveyor, if the necessity for  
7 the evaluation is supported by substantial evidence in the record. This  
8 evidence may include, but is not limited to, potential land failures,  
9 accelerated rate of road construction or harvesting within a watershed, or  
10 concentration or intensity of harvesting activity near streams or springs.  
11 The design and implementation of the evaluation shall be done in consultation  
12 with the Director, appropriate RWQCB, the Water Purveyor(s) involved, and THP  
13 submitter, and the sufficiency of the information requested by the Director  
14 shall be judged in light of reasonableness and practicality.

15 NOTE: Authority cited: Sections 4551, 4562.7, 21000(g) and 21160, Public  
16 Resources Code. Reference: Sections 4512, 4513, 4551.5, 21000(b), (f), 21002  
17 and 21002.1, Public Resources Code; and 33 USC 1288(b)(2)(F).

18  
19 ~~Adopt § 946.15. Biotic Resources.~~

20 ~~In addition to the provisions of 14 CCR § 1034(w), the plan shall~~  
21 ~~include information pertaining to locally unique plant communities, animal~~  
22 ~~species, and sensitive habitats as provided by Napa County, using information~~  
23 ~~contained in the Napa County's Environmental Resource Mapping System.~~

24 ~~NOTE: Authority cited: Section 4551, Public Resources Code. Reference:~~  
25 ~~Sections 4513 and 4551.5, Public Resources Code.~~

1 **Adopt § 946.1613. Road Construction.**

2 When a THP has been filed with intent to convert the Plan area to uses  
3 other than timberland, the following provision shall apply:

4 (a) Whenever new road construction is proposed within a DSW ~~or is~~  
5 within 200 feet of a Designated Scenic Road, and the plan submitter,  
6 timberland owner or timber owner, owns or controls any property containing  
7 timberland contiguous to the parcel or parcels on which timber operations are  
8 proposed, the RPF shall include a map and explanation of how the new road is  
9 integrated into the existing truck roads and associated transportation system  
10 for all the contiguous property owned or controlled by the ~~p~~Plan submitter on  
11 which timberland is found. Such proposed integrated truck road and  
12 associated transportation system shall be reviewed in connection with review  
13 of the proposed plan, and the plan shall be modified, if necessary, to assure  
14 that the approved plan will be compatible and consistent with timber  
15 operations on the contiguous property.

16 (b) Road construction shall be planned to stay out of Watercourse and  
17 Lake Protection Zones. When it is a better alternative for protection of  
18 water quality or stream function, or when such roads are the only feasible  
19 access to timber, exceptions may be explained and justified in the THP and  
20 approved by the Director, pursuant to 14 CCR §§ 897 and 898, if they meet the  
21 requirements of this subsection.

22 (c) When timber operations are located in a DSW, the tractor roads to  
23 be used on slopes of 30% or more shall be intervisibly flagged, or otherwise  
24 designated by the RPF or supervised designee prior to the Preharvest  
25 Inspection and prior to tractor road construction.

1        (ed) In the case of timberland conversions, tThe construction of  
2 permanent roads, tractor roads, seasonal roads, logging roads, or the  
3 clearing of trees and other vegetation on slopes of 30% or greater shall not  
4 commence until a use permit or variance for such work has been approved by  
5 Napa County.

6 NOTE: Authority cited: Sections 4551, 4551.5 and 4553, Public Resources  
7 Code. Reference: Sections 4512, 4513, 4551 and 4551.5, Public Resources Code;  
8 33 USC 1288(b) and 40 CFR 130.2(q); California Case Law: Natural Resources  
9 Defense Council, Inc. v. Arcata Natl. Corp. (1972) 59 Cal.App.3d 959, 131  
10 Cal. Rptr. 172.

11  
12 **Adopt § 946.1714. Design of Drainage Structures and Watercourse Crossings.**

13        In addition to the provisions of 14 CCR §§ 923.2 (h) and 943.2 (h),  
14 when a THP has been filed with intent to convert the Plan area to uses other  
15 than timberland, design preference for drainage structures and watercourse  
16 crossings is to be given to those structures that are less prone to failures  
17 that could result in increased sediment delivery to the watercourse system.  
18 Examples of these types of preferred drainage structures include bridges and  
19 rocked fords. Final design selections are to be made based on this  
20 preference along with consideration of practical placement, level of  
21 environmental disturbance, long-term maintenance and cost.

22 NOTE: Authority cited: Sections 4551, 4551.5 and 4553, Public Resources  
23 Code. Reference: Sections 4512, 4513, 4551, 4551.5, 4562.5 and 4562.7, Public  
24 Resources Code; 33 USC 1288(b); Natural Resources Defense Council, Inc. v.  
25 Arcata Natl. Corp. (1976) 59 Cal.App.3d 959, 131 Cal. Rptr. 172.

1 **Adopt § 946.1815. Maintenance Period.**

2 When a THP has been filed with intent to convert the Plan area to uses  
3 other than timberland, the prescribed maintenance period for erosion  
4 controls on permanent and seasonal roads and associated landings and drainage  
5 structures that are not abandoned in accordance with 14 CCR § 923.8 and 943.8  
6 shall be three years.

7 NOTE: Authority cited: Sections 4551, 4551.5, 4553, 4561.7, and 4562.9,  
8 Public Resources Code. Reference: Sections 4512, 4513, 4551, 4551.5, 4562.5  
9 and 4562.7, Public Resources Code; 33 USC 1288(b); Natural Resources Defense  
10 Council, Inc. v. Arcata Natl. Corp. (1976) 59 Cal.App.3d 959, 131 Cal. Rptr.  
11 172.

12  
13 **Adopt § 946.1916. Domestic Water Supply Protection: Road Maintenance.**

14 When timber operations are sited within a DWSW, no oil or salt-based  
15 soil stabilizing agents shall be used to stabilize un-paved road running  
16 surfaces.

17 NOTE: Authority cited: Sections 4551, 4551.5, 4553, 4561.7, and 4562.9,  
18 Public Resources Code. Reference: Sections 4512, 4513, 4551, 4551.5, 4562.5  
19 and 4562.7, Public Resources Code; 33 USC 1288(b); Natural Resources Defense  
20 Council, Inc. v. Arcata Natl. Corp. (1976) 59 Cal.App.3d 959, 131 Cal. Rptr.  
21 172.

22  
23 **Adopt § 946.2017. Plan Submittal and Notice of Intent.**

24 In lieu of the provisions of CCR 14 § 1032.7 subsections (c), (e), (f)  
25 and (g), the following shall apply when a THP has been filed with intent to

1 convert the Plan area to uses other than timberland:

2 (a) The RPF shall prepare and submit to the Director, and  
3 simultaneously to the Planning Director and in a DWSW the Water Purveyor(s)  
4 involved, with the plan, a Notice of Intent to Harvest Timber as described in  
5 14 CCR § 1032.7(d) which shall additionally include the following:

6 (1) A statement that the approximate boundary of the plan area  
7 has been flagged for review where logging roads, tractor roads or harvest  
8 areas are within 100 feet of the timber owner's property line;

9 (2) In a DWSW, the distance to the nearest Napa County Drainage  
10 (NCD) contributing watercourse, and along that contributing watercourse to  
11 the nearest Domestic Water Supply Reservoir(s), and the name(s) of said  
12 reservoirs;

13 (3) In the event helicopter yarding is proposed, a map that  
14 clearly identifies the areas within the proposed timber harvest plan area  
15 that are proposed for helicopter operations, including helicopter log landing  
16 and service area sites and a statement about the approximate duration of  
17 helicopter yarding activities.

18 (b) The plan submitter shall furnish to the Department at the time of  
19 submission of the plan, a list of the names and addresses of all property  
20 owners within 300 ft. of the exterior boundaries of assessor's parcels upon  
21 which a plan has been submitted, the names and addresses of property owners  
22 with property fronting or bordering that portion of the haul route lying  
23 between the plan area and the nearest public road. ~~If helicopter yarding is~~  
24 ~~proposed, the list shall also include the names and addresses of property~~  
25 ~~owners with property located within three thousand (3,000) feet of any~~

1 ~~location in the proposed timber harvest area in which logs are to be picked~~  
2 ~~up, carried, or landed, or helicopters are to use for servicing. It is the~~  
3 ~~intent of the notice provisions of this paragraph to direct the notice to~~  
4 ~~both owners and residents of properties lying within the 3,000 foot notice~~  
5 ~~area; accordingly if any property owner to be noticed by mail on a proposed~~  
6 ~~helicopter yarding has a mailing address located outside of the three~~  
7 ~~thousand foot notice area and such property owner's property within such area~~  
8 ~~has a street address within such area, the list shall also contain the street~~  
9 ~~address of the property within the three thousand (3,000) foot radius, and~~  
10 ~~shall list the addressee at such property as "Occupant." The list shall be~~  
11 ~~compiled within 60 days of plan submittal from the latest equalized~~  
12 ~~assessment roll of the county or a list provided by a title insurance company~~  
13 ~~doing business in Napa County. Any list prepared for noticing an operation~~  
14 ~~with helicopter yarding shall be deemed accurate adequate provided that it~~  
15 ~~contains accurate information regarding at least 95% of the property owners~~  
16 ~~and site addresses entitled to notice under these Rules based upon the County~~  
17 ~~Tax Assessor's records.~~

18 (c) The RPF or plan submitter shall mail copies of the Notice of  
19 Intent to all persons and other entities, specified under 14 CCR § 946.20 (b)  
20 above and (c)(1)(2) below, at least 10 days prior to plan submission and at  
21 this time shall post a copy of the Notice of Intent including a map as  
22 described in 14 CCR § 1032.7 (d)(8) at a conspicuous location on the private  
23 road where a majority of the road association members can view the notice,  
24 and on the nearest public road, and, if helicopter yarding is proposed, at a  
25 minimum of one conspicuous location every half mile on all public roads

1 within a 2 mile radius of the proposed area of operations. The posted Notice  
2 of Intent shall be on colored paper or identified with colored flagging so as  
3 to be easily visible to the public. The RPF or plan submitter shall further  
4 mail the Notice of Intent to:

5 (1) All members of the Board of Supervisors in whose district any  
6 timber operation is proposed;

7 (2) Any local publicly-owned water district or community water  
8 system which maintains any water production or water storage facility  
9 downstream from any location within which any timber operation is proposed.

10 In addition, the applicant will publish for a single appearance in a local  
11 paper of general circulation a brief synopsis of the contents of the Notice  
12 of Intent sufficient to clearly describe the proposed operation's location  
13 and extent. At the time of plan submission, the plan submitter shall certify  
14 to the Director in writing that this procedure has been followed and provide  
15 a proof of newspaper publication.

16 (d) For plan amendments, the submitter of the amendment shall certify  
17 in writing at the time the amendment is submitted that copies of a new Notice  
18 of Intent have been mailed to:

19 (1) All property owners not previously noticed under subsection  
20 14 CCR § 946.20(b) who, because of the plan amendment, would be required to  
21 receive the notice provided in subsection 14 CCR § 946.20(b);

22 (2) All property owners previously noticed under subsection 14  
23 CCR § 946.20(b) when there is a change in silvicultural method.

24 (e) The plan submitter shall include with the mailed Notice of Intent  
25 sent to the persons identified above, other than members of the Board of

1 Supervisors, or publicly-owned water district or community water systems, any  
2 available printed general informational material that has been jointly  
3 approved by the County of Napa and the Department, describing the review  
4 process and the rights of adjacent landowners and other neighbors under  
5 applicable rules, ordinances or statutes.

6 (f) The RPF shall simultaneously file with the Department any notice of  
7 deviation given to the plan submitter or landowner required under Public  
8 Resources Code section 4583.2.

9 (g) In the event the Director shall approve a timber harvesting plan  
10 which provides in whole or in part for helicopter yarding and where such  
11 harvest operations are not commenced within the same harvest season in which  
12 the plan is approved, the plan submitter shall, not less than 14 days prior  
13 to the estimated commencement of helicopter operations and not more than 28  
14 days prior to the estimated commencement of such operations:

15 (1) Mail a notice to all persons previously notified of the  
16 Notice of Intent of the original application or any amendment under 14 CCR §  
17 946.20(b) above, providing notice of the fact that the helicopter yarding was  
18 approved, containing a map showing the location of the harvest areas, landing  
19 area, and service area approved in the Plan, the hours of operation, the  
20 estimated starting date of helicopter yarding activities, the estimated  
21 completion date, and any conditions placed on the helicopter yarding activity  
22 by the Director as part of the approval; and

23 (2) Post a copy of the notice at a minimum of one conspicuous  
24 location every half mile on all public roads within a 2 mile radius of the  
25 proposed area of operations. The posted notice shall be on colored paper or

1 ~~identified with colored flagging so as to be easily visible to the public;~~

2 ~~(3) The plan submitter shall further mail the notice to those~~  
3 ~~persons identified in 14 CCR § 946.20(c)(1) & (2).~~

4 ~~(4) Prior to commencement of helicopter operations, the plan~~  
5 ~~submitter shall certify to the Director in writing that these procedures have~~  
6 ~~been followed.~~

7 NOTE: Authority cited: Section 4516.5, Public Resources Code. Reference:  
8 Section 4516.5, Public Resources Code.

9  
10 **Adopt § 946.2118. Domestic Water Protection: Request for Information.**

11 ~~In lieu of the provisions of 14 CCR § 1032.10, the following shall~~  
12 ~~apply when a THP has been filed with intent to convert the plan area to uses~~  
13 ~~other than timberland, the THP submitter shall provide notice by letter to~~  
14 ~~all other landowners within 1,000 feet downstream of the THP boundary whose~~  
15 ~~ownership adjoins or includes a Class I, II, III, or IV watercourse(s) which~~  
16 ~~receives surface drainage from the proposed timber operations. The notice~~  
17 ~~shall request that the THP submitter be advised of surface domestic water use~~  
18 ~~from the watercourse, within the THP or within 1,000 feet downstream of the~~  
19 ~~THP boundary. In addition in a DWSW, the THP submitter shall provide this~~  
20 ~~same notice to the water purveyor(s) involved. When required to notice by~~  
21 ~~letter, publication shall also be given one time by the THP submitter in a~~  
22 ~~newspaper of general circulation in the area affected by the proposed~~  
23 ~~project. Such letter and publication shall notify the party of the proposed~~  
24 ~~timber operation and describe its legal location and identify the name, if~~  
25 ~~any, of the watercourse and in a DWSW, the Domestic Water Supply Reservoir~~

1 (DWSR) it may affect. The letter and publication shall request a response by  
2 the property owner within ten days of the post-marked date on the letter or  
3 the date of publication as appropriate. Except in a DWSW, the RPF may  
4 propose, with justification and explanation, an exemption to such  
5 notification requirements, and the Director may agree. Copies of either  
6 notice, proof of service and publication, and any responses shall be attached  
7 to the THP when submitted. If domestic use is noted, the plan shall contain  
8 mitigations necessary to protect domestic water use. The plan shall not be  
9 submitted until ten days after the above notification(s) have been done.

10 NOTE: Authority cited: Sections 4551 and 4582.3, Public Resources Code.  
11 Reference: Sections 4551, 4581, 4582.3, 21080 and 21092, Public Resources  
12 Code.

13  
14 **Adopt § 946.2219. Contents of Plan: Plan Area Description.**

15 In addition to the provisions of 14 CCR 1034 § (g), the following  
16 information is to be provided for the Plan area when a THP has been filed  
17 with intent to convert the Plan area to uses other than timberland:

- 18 (a) Napa County Drainage name(s).  
19 (b) Domestic Water Supply Watershed name(s), if applicable.  
20 (c) distances to nearest watercourses.

21 NOTE: Authority cited: Sections 4551 and 4552, Public Resources Code.  
22 Reference: Sections 4527, 4582 and 4583, Public Resources Code.

23  
24 **Adopt § 946.2320. Contents of Plan: Mapping Requirements.**

25 In lieu of the provisions of 14 CCR § 1034 (x), the following shall

1 apply when a THP has been filed with intent to convert the Plan area to uses  
2 other than timberland: On titled USGS topographic (if available) or  
3 equivalent topographic maps of a scale not less than 2" to the mile, 1"= 200'  
4 where timberland conversions involved, the information in subsections 14 CCR  
5 § 946.23 (1-4), (8), (9), and (11-13) shall be clearly shown. Additional  
6 maps, which may be topographic or planimetric, may be used to provide the  
7 information required in the other subsections or show specific details, to  
8 improve map clarity. All maps are preferred to be submitted in electronic  
9 format ~~using~~ utilizing commonly ~~accepted~~ used software as well as in paper  
10 copies. When timber operations are sited within a DWSW, a series of maps are  
11 to be used. The initial map is to present the general location of the  
12 project and is to be on a USGS topographic map, or equivalent, at a scale not  
13 smaller than 1"=2,000'. The second level map is to show an area large enough  
14 to present the project area relative to the Domestic Water Supply Reservoir  
15 involved. Subsequent level maps are to present information at a detail  
16 sufficient to assess site specific impacts on water quality and vegetation  
17 cover but no less than 1"=200'. The appurtenant roads referenced in  
18 subsection (4) may be shown on a map, which may be planimetric with a scale  
19 as small as one-half inch equals one mile. Color coding shall not be used.  
20 A legend shall be included indicating the meaning of the symbols used. See  
21 the district rules for the appropriate minimum mapping acreages.

22 (1) Boundaries of logging area shall be shown on quadrangle map or its  
23 equivalent.

24 (2) Boundaries of regeneration methods, intermediate treatments,  
25 special harvesting methods, and alternative prescriptions that are to be

1 applied.

2 (3) Boundaries of yarding (logging) systems, if more than one system is  
3 to be used.

4 (4) Location of public roads and those private roads to be used for  
5 timber operations within the plan area, and private roads appurtenant to the  
6 timber operations where such roads are under the ownership or control of the  
7 timber owner, timberland owner, timber operator, or submitter of the plan,  
8 and classification of all proposed and existing logging roads as permanent,  
9 seasonal, or temporary roads, and those Designated Scenic Roads within ½ mile  
10 of the plan area. These latter roads shall be identified as "Designated  
11 Scenic Road"

12 (5) Probable location of proposed and existing landings in the  
13 watercourse and lake protection zone, and landings outside the zone that are  
14 greater than 1/4 acre in size or whose construction involves substantial  
15 excavation.

16 (6) Road failures on existing roads to be reconstructed.

17 (7) Location of all watercourse crossing of classified watercourses  
18 except temporary crossings of Class III watercourses without flowing water  
19 during timber operations at that crossing. Where timber operations are sited  
20 within a DWSW this locational information is to be provided regardless of  
21 watercourse classification.

22 (8) Location of erosion hazard rating areas, if more than one rating  
23 exists.

24 (9) Location of all watercourses with Class I, II, III, or IV waters  
25 annotated with the "-DWS" appendage if the timber operations are sited within

1 a DWSW.

2 (10) Location of known unstable areas or slides.

3 (11) Location of understocked areas prior to timber operations, and  
4 other areas not normally bearing timber to at least a 20-acre minimum, or as  
5 specified in the district rules.

6 (12) Location of boundaries of timber-site classes needed for  
7 determination of stocking standards to be applied, down to at least a 20-acre  
8 minimum or as specified in the district rules.

9 (13) Location of main ridge tops on the logging area suitable for fire  
10 suppression efforts that will require the felling of snags.

11 (14) Location for which heavy equipment use is proposed on unstable  
12 areas, or on areas for which tractor use is proposed beyond the limitations  
13 of the standard forest practice rules.

14 (15) Location of any in lieu use of heavy equipment and location of  
15 roads other than crossings in the WLPZ, marshes, wet meadows, and ~~other wet~~  
16 areas vernal pools.

17 (16) Location of any new or reconstructed road segment(s) that exceed  
18 an average 15% grade for over 200 feet.

19 (17) Location of any Special Treatment Areas.

20 NOTE: Authority cited: Sections 4551 and 4552, Public Resources Code.

21 Reference: Sections 4527, 4582 and 4583, Public Resources Code.

22  
23 **Adopt § 946.2421. Registered Professional Forester Responsibility.**

24 In ~~addition to~~ lieu of the provisions ~~of~~ required under 14 CCR § 1035.1  
25 (ae), when a THP has been filed with intent to convert the Plan area to uses

1 ~~other than timberland, and in instances where timber operations are sited~~  
2 ~~within a DWSW, an RPF shall be retained by the Plan submitter to provide~~  
3 ~~professional advice throughout operations and visit the site at a periodicity~~  
4 ~~of not less than two days in any seven-day period in order to know the~~  
5 ~~progress of operations and to advise the LTO and timberland owner. the~~  
6 ~~provisions of 14 CCR § 913.8 (b)(5) also apply and the RPF shall be retained~~  
7 ~~throughout the operations until the Notice of Completion is approved by the~~  
8 ~~Director. In these instances, the RPF will hold any infield meetings with~~  
9 ~~the landowner or LTO, place WLPZ, EEZ, or ELZ flagging, oversee installation~~  
10 ~~of watercourse crossings and erosion control structures, and review and~~  
11 ~~approve the implementation of any other mitigation action addressing soil~~  
12 ~~erosion. The RPF will personally make site visits throughout operations at a~~  
13 ~~periodicity of not less than two per seven day period.~~

14 NOTE: Authority cited: Sections 4551 and 4552, Public Resources Code.

15 Reference: Sections 4583.2 and 4583.5, Public Resources Code.

16  
17 **Adopt § 946.2522. Notice of Filing: Distribution.**

18 In addition to the provisions of 14 CCR § 1037.1, the Director shall  
19 distribute the Notice of Filing to the Planning Director and the affected  
20 local Water Purveyor(s) if the project is sited within a DWSW.

21 NOTE: Authority cited: Sections 4551, 4551.5, 4552, 4582.4, 4582.6 and  
22 21080.5, Public Resources Code; NRDC v. Arcata National Corp. (1976), 59 Cal.  
23 App. 3d 959. Reference: Sections 4581, 4582, 4582.5, 4582.7, 4582.75, 4592,  
24 21081 and 21092, Public Resources Code.

1 **Adopt § 946.2623. Review Teams to be Established.**

2 In addition to the provisions of 14 CCR § 1037.5 (a), a representative  
3 of the Planning Department will be part of the review team.

4 NOTE: Authority cited: Sections 4551 and 21080.5, Public Resources Code.

5 Reference: Sections 4512, 4513, 4551.5, 4582.6, 21000(g), 21002 and 21080.5,  
6 Public Resources Code; and Natural Resources Defense Council, Inc. v. Arcata  
7 Nat. Corp. (1976) 59 Cal.App.3d 959; 131 Cal.Rptr. 172.

8  
9 **Adopt § 946.2724. Review Period Waiver**

10 In addition to the provisions of 14 CCR § 1037.10(a), when a THP has  
11 been filed with intent to convert the Plan area to uses other than  
12 timberland, the Director may waive or shorten the time period for approval if  
13 all the following are true of the pPlan:

14 (a) no timber operations or related activities occur within a DWSW;

15 (b) no timberland conversions operations occur on slopes greater than  
16 30%;

17 (c) no timber operations are proposed within an ELZ;

18 (d) no timber operations or related activities occur that are visible  
19 within 2000 feet (in their post-harvest condition) of any Designated Scenic  
20 Road.

21 (e) In lieu of the provisions of 14 CCR § 1037.10(b), the following  
22 language applies: For the purposes of protection of public health and  
23 safety, or the environment, the Director, after consulting with the Planning  
24 Director, may approve the Timber Harvest Plan. The basis for the shortened  
25 or waived review period must be stated in writing.

1 NOTE: Authority cited: Section 4516.6, Public Resources Code. Reference:  
2 Sections 4516.5, 4516.6 and 4582.7, Public Resources Code; and Sections 1037  
3 and 1037.4, Title 14, California Administrative Code.

4  
5 **Adopt § 946.2825. Exemption Form: Mapping Requirements.**

6 In addition to the provisions of 14 CCR § 1038.2, a map at a scale  
7 appropriate for showing the location of the proposed operation in relation to  
8 the Domestic Water Supply Reservoir(s) involved and the Designated Scenic  
9 Road(s) where timber and related operations are proposed within a DWSW or are  
10 visible within 2000 feet (in their post-harvest condition) of a Designated  
11 Scenic Road, is to be included as part of the information provided on the  
12 exemption application.

13 NOTE: Authority cited: Sections 4553 and 4584 Public Resources Code.  
14 Reference: Sections 4527 and 4584, Public Resources Code. EPIC v. California  
15 Department of Forestry and Fire Protection and Board of Forestry and Fire  
16 Protection (1996) 43 Cal. App.4th 1011.

17  
18 **Adopt § 946.2926. Emergency Notice: Mapping.**

19 In addition to the provisions of 14 CCR § 1052 (a)(4), where timber  
20 operations are sited within a DWSW or are visible within 2000 feet (in their  
21 post-harvest condition) of a Designated Scenic Road, watercourse  
22 classifications within the DWSW will carry the "-DWS" appendage and  
23 Designated Scenic Roads will be identified. Furthermore, at least one map  
24 should be of a scale small enough to ~~permit evaluation~~ clarify the spatial  
25 relationships between the proposed operation and the Domestic Water Supply

1 Reservoir(s) in the DWSW and/or the Designated Scenic Road(s).

2 NOTE: Authority cited: Sections 4551 and 4552, Public Resources Code.

3 Reference: Section 4592, Public Resources Code.

4  
5 **Adopt § 946.3027. Emergency Notice: Waiting Period.**

6 ~~Timber operations pursuant to an Emergency Notice may not commence for~~  
7 ~~five working days from the date of the Director's receipt of the Emergency~~  
8 ~~Notice unless the Director waives the waiting period. In addition to the~~  
9 ~~provisions of 14 CCR § 1052(d), the waiting period shall not be waived when~~  
10 ~~the proposed operation is located within in a DWSW or is visible within 2000~~  
11 ~~feet (in its post-harvest condition) of a Designated Scenic Road, except~~  
12 ~~where necessary for the protection of public health and safety. In addition,~~  
13 ~~the Director shall send a copy of the Emergency Notice and Notice of~~  
14 ~~Acceptance to the Planning Director via facsimile or email within 1 working~~  
15 ~~day of the acceptance of the Emergency Notice.~~

16 NOTE: Authority cited: Sections 4551 and 4552, Public Resources Code.

17 Reference: Section 4592, Public Resources Code.

18  
19 **Adopt § 946.31. Conversion Exemptions: Distribution of Notice of Conversion**  
20 **Exemption.**

21 ~~In addition to the provisions of 14 CCR § 1104.1 (a)(1), the Director~~  
22 ~~shall distribute the Notice of Conversion Exemption to the Planning Director.~~

23 ~~NOTE: Authority cited: Sections 4551, 4553, 4584, 4604, 4611 and 4628,~~  
24 ~~Public Resources Code. Reference: Sections 4512, 4513, 4628 and 4584, Public~~  
25 ~~Resources Code.~~

1 ~~Adopt § 946.32. Conversion Exemptions: Mapping Requirements.~~

2 ~~In lieu of the provisions of 14 CCR § 1104.1 (a)(1)(C), the following~~  
3 ~~provisions shall apply:~~

4 ~~(a) a map showing the general location of the operation on a standard~~  
5 ~~USGS topographic quadrangle at a scale of not less than 1:24,000.~~

6 ~~(b) other maps shall be at a scale of not less than 1:12,000, showing~~  
7 ~~the ownership boundaries, the location of the timber operation, boundaries of~~  
8 ~~the conversion, existing and proposed permanent access routes to operation~~  
9 ~~and subsequent conversion activities, location and classification of all~~  
10 ~~watercourses, and landing locations.~~

11 ~~Both the general location map and the more detailed maps are to include~~  
12 ~~Designated Scenic Roads as a classification in addition to the standard road~~  
13 ~~identification provisions of 14 CCR § 1034 (x)(4) if the area within which~~  
14 ~~conversion activities will take place is visible within 2000 feet (in its~~  
15 ~~post harvest condition) of a Designated Scenic Road. If the operation is~~  
16 ~~located within a DWSW, the general location of the operation relative to the~~  
17 ~~Domestic Water Supply Reservoirs(s) present shall also be shown.~~

18 ~~NOTE: Authority cited: Sections 4551, 4553, 4584, 4604, 4611 and 4628,~~  
19 ~~Public Resources Code. Reference: Sections 4512, 4513, 4628 and 4584, Public~~  
20 ~~Resources Code.~~

21  
22 ~~Adopt § 946.33. Conversion Exemptions: Project Description.~~

23 ~~In addition of the provisions of 14 CCR 1104.1 (a)(1)(E), the following~~  
24 ~~shall apply: The Notice of Conversion Exemption shall specify what the non-~~  
25 ~~timberland use will be after conversion and all those specific actions to be~~

1 ~~taken to realize this use. These actions include those taken to install the~~  
2 ~~productive elements and/or the supporting infrastructure and those associated~~  
3 ~~with the continuing post conversion operations.~~

4 ~~NOTE: Authority cited: Sections 4551, 4553, 4584, 4604, 4611 and 4628,~~  
5 ~~Public Resources Code. Reference: Sections 4512, 4513, 4628 and 4584, Public~~  
6 ~~Resources Code.~~

7 Ver: NapaCounty Pleading\_Legaltemp\_3\_18\_04.doc

8 CZ 3/18/04

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25